

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-20 are pending. New claims 21-24 have been added to secure an appropriate scope of protection to which Applicants are believed entitled. Support for the added claims is believed to be found in at least page 4, lines 25-30 and page 8, lines 1-5.

Withdrawal of the rejection of claims 1-20 over *Haartsen* in view of *Kalavade* is noted with appreciation.

Claims 1-20 are patentable over *Weatherspoon et al.* (U.S. 7,174,564) in view of *Kalavade et al.* (U.S. Published Application 2002/0191575)

The rejection of claims 1-20 under 35 U.S.C. 103(a) as being unpatentable over *Weatherspoon* in view of *Kalavade* is hereby traversed for at least three (3) reasons.

***Weatherspoon* fails to provide a confirmation that the service provider is authenticated**

First, *Weatherspoon* fails to disclose providing a confirmation to the user that the service provider is authenticated. In contrast with the presently claimed subject matter, *Weatherspoon* appears to describe that:

If the authentication server 110 validates both the AP and the operator (step 332), **the authentication server 110 will enable access to the wired LAN 120** at step 336. The authentication server 110 will enable access to the wired LAN 120 by, e.g., **establishing a data channel between the AP and any other device on the wired LAN 120**. That is, **the authenticated AP and operator will have access to all LAN 120 resources** available to wired devices such as devices 16A D

without providing any confirmation to the user indicating authentication of the provider of the service. *Weatherspoon* at column 5, lines 29-37 (emphasis added). *Weatherspoon* appears to provide access to the wired LAN 120 to the access point (AP) and wireless device and does NOT confirm authentication of the provider of the service. *Weatherspoon* appears to be directed at authentication for the benefit of the authentication server and services on the wired LAN 12 and NOT to “give users security and trust in accessing a WLAN hotspot and in the services

provided through the WLAN hotspot” as described in the present specification at page 9, lines 1—3. For at least this reason, withdrawal of the rejection is respectfully requested.

Further, the transfer of the encrypted portion of the second authentication message from the wireless device describes the transfer of the operator’s logon name and password to the authentication server without describing provision to the user of a confirmation of authentication of the service provider as claimed. For at least this reason, withdrawal of the rejection is respectfully requested.

Weatherspoon fails to provide the confirmation by a cellular communications service provider

Second, *Weatherspoon* fails to disclose providing the confirmation to the user by a cellular communications service provider as claimed in claim 1. As set forth above, *Weatherspoon* fails to provide a confirmation that the service provider is authenticated. Further, *Weatherspoon* fails to describe the involvement of a cellular communications service provider. A search of the text of *Weatherspoon* fails to identify the involvement of a cellular communications service provider between wireless device 106A, AP 102A, or authentication server 110. Further, nowhere in the relied on portion of *Weatherspoon*, i.e., column 4, line 30 - column 5, line 37, is there a description of the use of a cellular communications service provider. For at least this reason, withdrawal of the rejection is respectfully requested.

The PTO admits that *Weatherspoon* fails to disclose at least “a wireless hotspot” as claimed in claim 1. The PTO attempts to cure the noted deficiency of *Weatherspoon* by combining *Weatherspoon* with *Kalavade*; however, *Kalavade* fails to cure the above-noted deficiencies and withdrawal of the rejection is respectfully requested.

Kalavade is not combinable with Weatherspoon

Third, the PTO asserts that a person of ordinary skill in the art at the time of the present invention would be motivated to combine *Weatherspoon* with *Kalavade* in order to provide, “a method for converging local area and wide area wireless data networks.” Official Action mailed

January 25, 2008 at page 4, lines 1-2. This is incorrect as the PTO has failed to identify any teaching or suggestion in either reference teaching, suggesting, or motivating a person of ordinary skill in the art to combine the references as stated nor has the PTO articulated a reasonable rationale for combining the references as asserted. The PTO has stated a conclusion without providing any rationale supporting the conclusion.

“When an obviousness determination is based on multiple prior art references, there must be a showing of some ‘teaching, suggestion, or reason’ to combine the references.” Winner International Royalty Corp. v. Wang, 53 USPQ2d 1580, 1586 (Fed. Cir. 2000). Ecolochem, Inc. v. S. Cal. Edison Co., 227 F.3d 1361, 1372 (Fed. Cir. 2000) (“Although the suggestion to combine references may flow from the nature of the problem, ‘[d]efining the problem in terms of its solution reveals improper hindsight in the selection of the prior art relevant to obviousness.’” (internal citation omitted) (quoting Monarch Knitting Mach. Corp. v. Sulzer Morat GmbH, 139 F.3d 877, 881 (Fed. Cir. 1998))) The PTO has failed to make such a showing or articulated a reasonable rationale supporting the applied combination of references and therefore the applied combination of references is improper. The PTO is in error for any of the above reasons and has not made out a prima facie case of obviousness, and the rejection of claim 1 should be withdrawn.

Based on the foregoing, claim 1 is patentable over the combination of *Weatherspoon* with *Kalavade* and the rejection should be withdrawn.

Claims 2-9 depend, either directly or indirectly, from claim 1, include further important limitations, and are patentable over *Weatherspoon* in view of *Kalavade* for at least the reasons advanced above with respect to claim 1. Withdrawal of the rejection of claims 2-9 is in order.

Claim 10 is patentable over *Weatherspoon* in view of *Kalavade*

Independent claim 10 is patentable over the asserted combination of *Weatherspoon* in view of *Kalavade* for at least reasons similar to those advanced above with respect to claim 1. For example, independent claim 10 is patentable over *Weatherspoon* in view of *Kalavade* as the asserted combination of references fails to disclose authenticating the service providers as claimed in the subject matter of claim 10. As described above with respect to claim 1, there is no

disclosure of authenticating service providers in *Weatherspoon* or *Kalavade*. For each of the foregoing reasons, claim 10 is patentable over *Weatherspoon* in view of *Kalavade* and withdrawal of the rejection is in order.

Claims 11-13 and 18 depend, either directly or indirectly, from claim 10, include further important limitations, and are patentable over *Weatherspoon* in view of *Kalavade* for at least the reasons advanced above with respect to claim 10. Withdrawal of the rejection of claims 11-13 and 18 is in order.

Claims 14 and 15 are patentable over *Weatherspoon* in view of *Kalavade*

Independent claims 14 and 15 are patentable over *Weatherspoon* in view of *Kalavade* for at least reasons similar to those advanced above with respect to claim 10 and withdrawal of the rejections is in order.

Claims 16-17 and 19-20 depend, either directly or indirectly, from claim 15, include further important limitations, and are patentable over *Weatherspoon* in view of *Kalavade* for at least the reasons advanced above with respect to claim 15. Withdrawal of the rejection of claims 16-17 and 19-20 is in order.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

James Thomas Edward McDonnell et al.



Randy A. Noranbrock
Registration No. 42,940
Telephone 703-684-1111

HEWLETT-PACKARD COMPANY

IP Administration
Legal Department, M/S 35
P.O. Box 272400
Fort Collins, CO 80528-9599
Facsimile: 281-926-7212
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